

Remarks/Arguments:

Formal Drawings:

While the Examiner did not state reasons for objecting to the originally filed drawings, Applicant hereby submits formal drawings (three sheets) in view of the remarks made on Form PTO 948 (Notice of Draftsperson's Patent Drawing Review), which was attached to the Examiner's Action.

Rejection of claims under 35 U.S.C. §112, ¶2:

The Examiner has rejected claims 12-13 and 26-27 under 35 U.S.C. §112, second paragraph, contending that recitation of the limitation "third" has no antecedent basis. In view of the amendments to base claim 10 (for claims 12-13) and to claims 26-27 (the dependency is changed), it is respectfully submitted that there is sufficient antecedent basis for these claims, thus obviating the Examiner's rejection of these claims under §112.

Rejection of claims under 35 U.S.C. §102(b):

The Examiner has further rejected claims 1, 3, 10, 15, 17, and 24 under 35 U.S.C. §102(b) as being anticipated by Grim et al. (U.S. Pat. No. 4,996,979). The Examiner notes, however, that claims 2, 4-9, 11, 14, 16, 18-23, 25, and 28 would be allowed if rewritten in independent form to include all of the limitations of the base claim and intervening claims. The Applicant has amended claims 1 and 10 herein by incorporating the limitations of claim 2 into original claim 1 and the limitations of claim 11 into original claim 10. Claims 2, 4, and 11 have been cancelled. Claims 5-8 have been amended by removing their dependency upon the cancelled claims. Claim 9 has been cancelled and replaced with new claim 29. New claim 29 contains the limitations of original claims 1 and 9. In view of these amendments, it is respectfully submitted that claims 1, 3, 5-8, 10, and 14, as amended, and new claim 29 are allowable over the cited art.

With respect to the Examiner's rejection of claims 15, 17, and 24, all method claims, the Applicant respectfully traverses this rejection for the reasons stated below.

In order for a claim to be rejected under 35 U.S.C. §102, the cited reference must disclose, either expressly or inherently, all the elements and limitations of the claim. *See Kalman v. Kimberly-Clark*, 218 U.S.P.Q. 781 (Fed. Cir. 1983). If even one element or limitation of the claim is missing, a §102 rejection fails. *See also Row v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

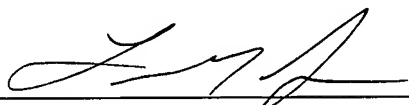
Claims 15 and 24 are method claims, each directed to "a method for minimizing hand and arm tremors in individuals suffering from a medical condition causing such tremors," such as Parkinson's Disease, for example. As support for this rejection, the Examiner cites to line 11 of col. 1 in Grim, et al (i.e. the Field of Invention), which states that the Grim invention "relates to methods of immobilizing body limbs or joints by using a lightweight, formable orthopaedic cast splint system." Claims 15 and 24, however, are not methods of immobilizing limbs or joints (i.e. the function of a cast or splint) but rather a method of minimizing hand and arm tremors in patients suffering from such disorders. It is respectfully submitted that immobilizing a limb so as to effectuate healing of a bone, joint, or soft tissue, is not equivalent to applying a brace to an arm in order to allow the wearer to grasp objects, such as a glass of water or a writing implement, without shaking uncontrollably (i.e. minimizing tremors). Because there is no recitation of this limitation in Grim, et al., it is respectfully submitted that claim 15 (including dependent claims 16-23) and claim 24 (including dependent claims 25-28) are not anticipated by Grim et al, under 35 U.S.C. §102(b).

Conclusion:

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims, as amended, are patentable in view of the cited art, and thus are in proper condition for allowance.

Respectfully submitted,

Date: 7/7/04

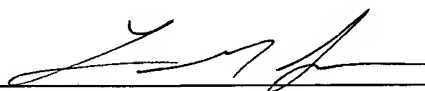


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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 7, 2004.



Laura Barrow